



FOIA Monthly Meeting

July 2014

- Staff update
- Interim process for searching Outlook Records
- Quarterly Status Reports and Monthly updates
- Templates
- Training and certifications
- Open discussion

Background:

- Microsoft Outlook search results are currently limited to 250 email messages
- Additional issues were discovered with Microsoft Outlook search.
- OEI, in partnership with other EPA offices and regions, is actively identifying alternative approaches that will resolve these issues.

Current status:

- OEI, OGC, OECA, Regional Counsel and the Department of Justice recommend discontinuing the use of the Outlook search function in support of Freedom of Information Act (FOIA) requests, Congressional inquiries, rulemaking and litigation.
- OEI has developed an interim process for email searches that are in need of immediate resolution. The interim process involves completing and emailing a search request template (attached in the appendix) to OEI.
- SharePoint Online, is currently scheduled to be rolled out in early August. Once SharePoint Online is available, all requests for searches should be made through the site.



Outlook Records – Interim Process

1. Identify needed email searches. These email searches should be in support of Freedom of Information Act (FOIA) requests, Congressional inquiries, rulemaking, and litigation.
2. Initially only FOIA Officers and FOIA Coordinators may complete and submit the search request template(attached in the appendix) **for searches conducted in support of a FOIA request.** The completed template should be submitted to OEI by emailing it to eDiscovery@epa.gov. For search requests in support Congressional inquiries, rulemaking and litigation discovery, the appropriate responsible party, who is assigned to the matter, should contact OEI at the email address above, until the SharePoint Online site is available, to request the search.
Please note: It is extremely important that your search request is as complete as possible when you submit it. Additional custodians or new search criteria will be treated as a new request and move the request to the end of the queue.
3. After a search request template has been submitted, OEI's eDiscovery team will notify the search requester regarding approval. Requests that do not comply with the above may not be approved. Due to anticipated heavy caseloads, specific response and search completion times cannot be provided in advance.
4. When the request is approved, OEI's eDiscovery team may further discuss the search request with the individual that requested the search or the lead search POC.
5. When the search is completed, OEI's eDiscovery team will place the files in a restricted shared drive. Requesters will have **5 business days** to access those files and copy them. Files will be deleted after 5 business days. The requester will be notified by email when the files are available.



Outlook Records – Example of a Proper Search Request

- a. **Title of Search** – “Request by ABC Power Utilities for EPA Climate Reports”
- b. **Type of Search (for litigation, congressional responses, or FOIA)** – “FOIA”
- c. **Search Keywords** – “Climate report, power utilities, global warming, climate change, carbon dioxide, CO2, power plant, coal, 111(d), EGU”
- d. **Applicable date range of search** – “January 1, 2014 – May 31, 2014”
- e. **Names and Email Addresses of Custodians** – “1) Jason Smith, smith.jason@epa.gov; 2) Abigail Xi, xi.abigail@epa.gov; 3) Elaine Pove, pove.elaine@epa.gov”
- f. **Lead Search POC and Contact Information** (e.g. the FOIA Title and FOIA Coordinator Contact and Phone Number if applicable) – “Weber Wang, SME, 202-566-0766, wang.weber@epa.gov; Larry Gottesman, Agency FOIA Officer, gottesman.larry@epa.gov, 202-566-2162”
- g. **Office or Region making request** – “OEI”
- h. **Estimated number of documents** – “We anticipate collecting 5,000 emails from 7 custodians.”
- i. **Response Date** – “ We need the search to be completed within 4 working days. We need to provide an initial response by August 30, 2014. “
- j. **Other Relevant Information** – “N/A”



Appendix



FOIA Search Request Template

Primary FOIA Officers and FOIA Coordinators , please copy and paste the completed template into your email to OEI's eDiscovery team at eDiscovery@epa.gov.

Information Required	Response
a. Title of Search	
b. Type of Search (FOIA, Litigation, Congressional)	
c. Search Keywords	
d. Applicable Date Range of Search	
e. Names and Email Addresses of Custodians	
f. Lead Search POC and Phone Number	
g. Office Making Search Request	
h. Estimated number of documents	
i. Response Date	
j. Other Relevant Information	



Additional Resources

- **eDiscovery Workgroup Guidance on Identifying Custodians –**
<http://intranet.epa.gov/ediscovery/legal/docs/Interim%20custodian%20identification%20process%203-18-13.docx>
- **eDiscovery Workgroup Guidance on Identifying Relevant Information, including crafting keywords -**
<http://intranet.epa.gov/ediscovery/legal/docs/Interim%20recommended%20practices%20to%20identify%20relevant%20information%203-21-13.docx>



For help with the search request template,
please contact:

Weber Wang
FOIAonline/National Freedom of Information Act Program
Wang.weber@epa.gov
202-566-0766



FOIA Monthly Meeting

August 2014

- Guidance on searching MS Outlook Records
- Open discussion



Outlook Records Search Guidance

Search Parameters Overview

- Agree upon the scope of the request with the FOIA requester.
- Determine that an MS Outlook email search is within the scope of the FOIA request.
- Collaborative effort between the Search Point of Contact, FOIA Officer or Coordinator and custodians.



Outlook Records Search Guidance

Identifying Date Range

- The date range will depend on the FOIA request.
- It is usually possible to identify a definite end date.
- The EPA transitioned to MS Outlook in February 2013. Any start dates for MS Outlook email searches would not pre-date this transition.
- Emails originating further back than February 2013 are most likely located in Lotus Notes Archives.



Outlook Records Search Guidance

Identifying Custodians

- Custodians are EPA personnel who may have responsive records.
- Work with the FOIA Subject Matter Expert to create a baseline list of custodians.
- Contact these initial custodians to determine if there are other:
 1. Personnel from other Regions, Headquarters Program Offices, EPA laboratories or satellite offices who may have been contacted about or sent emails related to the matter;
 2. Personnel who may have transferred out of the targeted organization or division, but who may have retained emails; and
 3. Retired or separated personnel who worked on the matter.
- Other EPA organizations or divisions may need to be included in the MS Outlook email search for a number of reasons. These include substantive consultation on the matter, employee transfers, or relevant emails held in other offices.



Outlook Records Search Guidance

Identifying Keywords

- Keywords are used to narrow down the potentially responsive set of emails before actual review.
- Work with the FOIA Subject Matter Expert and custodians to brainstorm potential keywords.
- Consider the specifics of the case and try to develop unique words or phrases that could be used to identify potentially relevant emails. A good way to start is to identify several emails that are relevant and identify the keywords or information that make them relevant.
- Avoid common terms, no matter how relevant (e.g., water, air, permit, license, dump, effluent, CERCLA).
- Consider nicknames and aliases that may help in finding relevant emails.
- Consider carefully when using acronyms as some acronyms have multiple references.

Identifying Keywords - Continued

- The logical operators AND, OR and NOT can be used in designing your search. They must be capitalized for them to be treated as operators instead of keywords.
- Use explicit parentheses for any query that mixes multiple logical operators (AND, OR, NOT etc.) to avoid mistakes or misinterpretations. For example, to search for messages that contain either WordA or WordB AND either WordC or WordD, you must use (WordA OR WordB) AND (WordC OR WordD).
- To search for an exact match of a multiple word phrase, enclose the phrase in quotation marks. For example, searching for the phrase "plan and competition" returns messages that contain an exact match of the phrase, whereas specifying plan AND competition returns messages that contain the words plan and competition anywhere in the message.
- Instead of using double quotation marks to represent exact phrases, you can use parentheses to group and search for multiple keywords. For example, (cat dog) finds messages that contain the words cat and dog in any order.

Identifying Keywords - Continued

- Prefix wildcard searches are supported. In a prefix search, put an asterisk after the word to locate different versions of the word beginning with those letters. For example, cat* finds any message that contains cat, catalog, category, catalytic, catamaran, and so on. Suffix searches (*cat) or substring searches (*cat*) are not supported.

MS Outlook Email Search – Additional Information

- **Personal archive**

If the personal archive is enabled for a mailbox user, the archive mailbox will also be searched. There is no option in the search tool to override this. To exclude archive mailboxes, the search will have to be customized.

- **Message types**

Only email messages are searched by default. However, the following message types can also be searched: contacts, documents, instant messaging conversations, journals, meetings and notes.

- **Unsearchable items**

Some items cannot be indexed by the search tool. These are unsearchable items. Reasons include: lack of an installed search filter for an attached file, a filter error and encrypted messages. When creating an MS Outlook email search, you can include unsearchable items in search results.

MS Outlook Email Search – Additional Information

- **Encrypted items**

Messages encrypted using S/MIME are not indexed by Exchange Search. A search will not search these messages. If the option to include failed items in search results is selected, these S/MIME-encrypted messages are returned as failed items.

- **IRM-protected items**

Messages protected using Information Rights Management (IRM) are indexed by Exchange Search and therefore are included in search results. Messages must be protected by using an Active Directory Rights Management Services (AD RMS) server in the same Active Directory forest as the Exchange 2010 Mailbox server for indexing to occur.

MS Outlook Email Search – Tips and Last Steps

- **Test Your Keywords**

Once you have refined your keywords and believe you have identified the optimal search parameters for your request, test them! You can do this by using the search functionality in your MS Outlook email. A simple test of the keywords can open your eyes to the unforeseen results and allow you to adjust keywords and search parameters before you submit your search request to the eDiscovery team for processing. If your test search turns up a large number of emails that are wholly irrelevant, you may be able to limit your search further or eliminate unsuitable keywords.

- **Submitting the Search Request**

When you have identified the search parameters for the FOIA request, work with the Search Point of Contact, FOIA Officers or Primary FOIA Coordinators to submit the eDiscovery Service Request Form.



Example – Incoming FOIA Request

Please provide, pursuant to the Freedom of Information Act, to the undersigned the following but only releasable information in regards to the Hewitt Pit Landfill, North Hollywood, CA (Site)::

1. All 104e responses from any owner or operator
2. 104e responses from any of the following entities: CalMat, Vulcan Materials Company, ConRock
3. All United States Environmental Protection Agency (EPA) correspondence to and from CalMat, Vulcan Materials Company, ConRock
4. The August 17, 1995 letter from EPA to CalMat requesting access to the Site to conduct groundwater and soil vapor sampling.
5. All analytical results from any conduct groundwater and soil vapor sampling in reference to the above.
6. All reports of any groundwater and/soil investigations by any owner or operator provided EPA.
7. The Partial Consent Decree entered into by CalMat in 1996.
8. All EPA correspondence, memorandums, emails regarding its analysis of the groundwater and soil contamination on Site or emanating from the site.
9. The February 10, 2006 EPA and the Los Angeles Regional Water Quality Control Board (RWQCB) letter to CalMat.
10. All correspondence to and from any agency/department of the City of Los Angeles.
11. The January 11, 2013 letter from Vulcan to the RWQCB.

Please feel free to call me at any time to discuss any request made above.

Thank you.

Steven L. Hoch
Partner



FOIA Search Request Template

Primary FOIA Officers and FOIA Coordinators , please copy and paste the completed template into your email to OEI's eDiscovery team at eDiscovery@epa.gov.

Information Required	Response
a. Title of Search	
b. Type of Search (FOIA, Litigation, Congressional)	
c. Search Keywords	
d. Applicable Date Range of Search	
e. Names and Email Addresses of Custodians	
f. Lead Search POC and Phone Number	
g. Office Making Search Request	
h. Estimated number of documents	
i. Response Date	
j. Other Relevant Information	



Example – Search Request to OEI

Pursuant to Jim Woolford’s memoranda, I am submitting, on behalf of Region 9, the following request for centralized email searching:

1) Title of Search: FOIA EPA-R9-2014-005701 (Steven Hoch)

2) Type of Search: FOIA

3) Search Keywords:

Calmat

Conrock

Vulcan

“Hewitt Pit”

“Hewitt facility”

4) Names of Potential Custodians: Jamey Watt, Kelly Manheimer, and Caleb Shaffer.

5) Name of Regional Contact: Jason Smith, Assistant Regional Counsel, (415) 233-1234

6) Estimated Number of Documents: 50-100 per custodian, Response Date and any other relevant information



Exercise

Documents pertaining to communications between EPA and the Hawaii Department of Health

Hawai'i Wildlife Fund, et al. v. County of Maui
[United States District Court No. CV 12 00198 SOM BMK]



Exercise

This is to request a search of Microsoft Outlook records in order to respond to FOIA Request EPA-R9-2014-006254, using the temporary “work around” process outlined in James Woolford’s email of June 10, 2014. Here is the pertinent information:

- 1) Title of Search: County of Maui FOIA
- 2) Type of Search: FOIA
- 3) Search Keywords: “Lahaina” , “County of Maui” , “Tracer Study” , “University of Hawaii”
- 4) Name/Emails of Custodians: Moffatt, Brett Moffatt.Brett@epa.gov; Rumrill, Nancy <Rumrill.Nancy@epa.gov>; Diamond, Jane <Diamond.Jane@epa.gov>; Albright, David <Albright.David@epa.gov>; Woo, Nancy <Woo.Nancy@epa.gov>; Kermish, Laurie <Kermish.Laurie@epa.gov>; Roser, Sara <Roser.Sara@epa.gov>; Slay, Hudson <SLAY.HUDSON@EPA.GOV>; Yin, Christina <Yin.Christina@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Hashimoto, Janet <Hashimoto.Janet@epa.gov>; Wiltse, Wendy <Wiltse.Wendy@epa.gov>; Rao, Kate <Rao.kate@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Sablad, Elizabeth <Sablاد.Elizabeth@epa.gov>; Smith, DavidW Smith.DavidW@epa.gov; Field, Malcolm Field.Malcolm@epa.gov
- 5) Search Requester and Contact info:

Region 9 FOIA Search coordinators – Brett Moffatt, ORC, (415) 972-3946; Nancy Rumrill, Water Division, (415) 972-3293

FOIA Request EPA-R9-2014-006254 (The Region 9 FOIA Coordinator is Ivry Johnson)
- 6) Estimated Number of Documents: 80 to 800; Response Date: June 30



For help with MS Outlook Searches,
please contact:

Weber Wang
FOIAonline/National Freedom of Information Act Program
Wang.weber@epa.gov
202-566-0766

Agenda
FOIA Meeting
March 2019

- Attendance
- Reports
 - Bowling charts
 - Monthly report update
- FOIAonline migration update
- FOIA Training
 - Advice on submitting a successful e-discovery request
- Awareness notification – close out
- Roundtable

Agenda
FOIA Meeting
November 2018

- Attendance
- FOIA Training
 - Fee Waivers and Stop the Clock
 - Future topics – your suggestions
- Lean events
 - Task #1
 - Task #2
- Tip of the Month
- Roundtable

Agenda

FOIA Meeting

October 2018

- Attendance
- Introduction
 - Acting Director, National FOIA Office
 - Re-organization
- FOIAonline status update
 - Invoices
 - Reporting
 - Breach update
- Process
- Lean events
 - Task #1
 - Task #2
- Roundtable